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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,627

05/01/2006

Tadashi Nakamura

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52044

7590

05/04/2009

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SUITE 1400

COSTA MESA, CA 92626

EXAMINER

PARDO, THUY N

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,627	<b>Applicant(s)</b> NAKAMURA ET AL.	
	<b>Examiner</b> Thuy N. Pardo	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,9,21,22,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 2-8,10-20 and 23-27 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/1/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

1. Applicant's Response to Examiner's Requirement for Restriction/Response has been reviewed. Claims 1, 9, 21, 22, 28 and 29 have been elected.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in March 23, 2004 on May 01, 2006. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 9, 21, 22, 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Terada et al. US Patent Application Publication No. 2007/0086281.

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As to claim 28, Terada teaches an information recording medium [see the abstract], having first information, second information and disc management information recorded thereon [a first alternate address management information area and a second alternate address management information area, 0034],

wherein the second information is update information of the first information [to update a portion of the indication information in accordance with an operation to write data and a write operation to update the alternate address management information in accordance with the alternate address process, 0028-0029; data is written into the second alternate address management information area for the second recording layer to update these pieces of information, 0037],

the disc management information includes correlation information which correlates first address information with second address information [a first alternate address management information area and a second alternate address management information area, 0034; fig. 6],

the first address information includes a first address indicating at least a part of locations of the information recording medium at which the first information is recorded [write new data into a desired address as an alternate area for actually recording the new data supposed to be written into the desired address, at which other data has been recorded previously. The operation to write the new data into the desired address is thus an operation to renew the other data with the new data, 0241; fig. 8, 10], and

the second address information includes a second address indicating at least a part of locations of the information recording medium at which the second information is further recorded [write new data into a desired address as an alternate area for actually recording the

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new data supposed to be written into the desired address, at which other data has been recorded previously. The operation to write the new data into the desired address is thus an operation to renew the other data with the new data, 0241; fig. 8, 10; 0462].

As to claim 29, Terada teaches the invention substantially as claimed. Terada further teaches having duplication information of the second address information recorded thereon, wherein the disc management information further includes status information indicating whether the correlation information is valid or invalid [normal or each alternate-address information generated in this way is added to the TDFL0349; 0457; 0373], the status information is set to indicate that the correlation information is valid when the first address information has been updated to the second address information [restructuring, fig. 24C].

As to claim 1, Terada teaches the invention substantially as claimed as specified in claims 28 and 29 above. Terada further teaches that the recording apparatus comprises a host apparatus [host computer or host apparatus, 0022; 0336] and a drive apparatus [disk drive, 0020; fig. 1], the host apparatus includes a system control section for controlling the drive apparatus [controller, 0338; 0358], the drive apparatus includes a head section [optical head, 0277] for performing a recording operation or a reproduction operation for the information recording medium [record user data onto the disk, 0278] and a drive control section for controlling the head section [system controller, 60 of fig. 16], the system control section generates an update instruction [write instruction, 0317; 0437; 0447] including a third address [third and subsequent recording areas, 0102] indicating at least a part of the locations of the information recording

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medium at which the first address information is recorded and the second address information as an update instruction for updating the first address information to the second address information [see the abstract; 0241; 0462], and outputs the update instruction to the drive apparatus [0318; 0332].

As to claims 9, 21 and 22, all limitations of these claims have been addressed in the analysis of claim 1, 28 and 29 above, and these claims are rejected on that basis.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy N. Pardo/

Primary Examiner, Art Unit 2627